

## Report of the Chief Executive

**19/00054/ENF  
UNAUTHORISED DEVELOPMENT  
235 DERBY ROAD, BEESTON, NOTTINGHAMSHIRE, NG9 3AZ**

Councillor D K Watts has requested that this matter be determined by the Committee.

1 Background

- 1.1 235 Derby Road is a residential property which also has permission to operate a cattery. Planning permission was granted on 15 of May 2015 to construct a first floor rear extension and single storey side and rear extension (Planning Permission Reference 15/00255/FUL).
- 1.2 Compliance checks have been carried out to check if the development is being built in accordance with the approved plans. Works to the property are still on-going, but it was noted that the following changes have been made:
- The ground floor window on the approved plan has been replaced with French doors and the first floor window is smaller (three panels rather than five).
  - The mock Tudor cladding beams have been positioned differently to those shown on the approved plans and the roof windows in the side elevations have been set back further.
  - The roof on the two rear extension has not been joined to the original dwelling as shown on the approved plans.
  - A balcony has been erected on the south west elevation of the first floor rear extension.
  - A single storey front extension had been constructed. This is positioned alongside the east boundary and is part brick, part render, with a shallow pitched roof.
  - The first floor windows in the east side elevation and west side elevation of the first floor extension have not been built in accordance with the approved plans and not obscurely glazed in accordance with condition 4.

Condition 4 of the original planning permission states:

*'The proposed first floor windows in the east side elevation and west side elevation of the first floor extension hereby approved shall be obscurely glazed to Pilkington Level 4 or 5 (or such equivalent glazing which shall first have been agreed in writing by the Local Planning Authority) and thereafter retained in this form for the lifetime of the development.'*

## 2 Relevant Policies and Guidance

### 2.1 **Greater Nottingham Aligned Core Strategies Part 1 Local Plan 2014:**

The Council adopted the Core Strategy (CS) on 17 September 2014.

- Policy A: Presumption in Favour of Sustainable Development
- Policy 10: Design and Enhancing Local Identity

### 2.2 **Saved Policy of the Broxtowe Local Plan (2004):**

The Part 2 Local Plan is currently under preparation. Until adoption, Appendix E of the Core Strategy confirms which Local Plan policies are saved.

- Policy H9: Domestic Extensions

### 2.3 **Part 2 Local Plan (Draft)**

The Part 2 Local Plan includes site allocations and specific development management policies. The draft plan has been examined, with the Inspector's report imminently expected. The Inspector issued a 'Post Hearing Advice Note' on 15 March 2019. This note did not include a request that further modifications be undertaken to Policy 17. Whilst this is not the inspector's final report, and the examination into the local plan has not been concluded, it does mean Policy 17 can now be afforded moderate weight.

- Policy 17: Place-making, design and amenity

### 2.4 **National Planning Policy Framework (NPPF) 2019:**

- Section 2 – Achieving Sustainable Development.
- Section 4 – Decision-making.
- Section 12 – Achieving well-designed places.

## 3 Appraisal

3.1 The Council requested that a retrospective planning application be submitted for the Council's consideration for the front extension and a non-material amendment application submitted for the alterations to the rear elevation. However, no applications have been forthcoming.

3.2 It is considered expedient to proceed with enforcement action for the breaches related to the balcony and the first floor windows in the east side elevation and west side elevation which have not been obscurely glazed. It is unlikely that planning permission would be granted for these alterations, as they overlook the neighbouring properties, resulting in a significant loss of privacy.

3.3 As the front extension is single storey, set back from the main road by approximately 10m and has been rendered white with a black fascia to match that of the original dwelling, it is considered to be acceptable in respect of design and would not have an unacceptable impact on neighbours.

- 3.4 The alterations to the rear elevation which include a roof design alteration, a smaller window, French doors, roof windows set further back and the alterations to the mock-Tudor cladding are deemed to have no undue impact on the privacy and amenity of the immediate neighbouring residents and are considered acceptable in respect of design as they are in keeping with the style of the original dwelling.
- 3.5 The National Planning Policy Guidance (NPPG) states that the local planning authorities should usually avoid taking formal enforcement action where a development is acceptable on its planning merits and formal enforcement action would solely be to regularise the development.
- 3.6 Based on the above, and having discussed this matter with the Council's Legal Team, with the exception of the first floor side windows which should be obscurely glazed and the balcony, it is considered that formal enforcement action against the other alterations and the front extension would not be justified and it is not expedient to take further enforcement action.

#### 4 Conclusion

- 4.1 It is considered expedient to proceed with enforcement action against the unauthorised balcony and the first floor windows in the east side elevation and west side elevation, due to the loss of privacy resulting on the neighbouring properties. Had an application been submitted to retain the balcony and windows as constructed, this would have been recommended for refusal due to conflict with Local Plan Policy H9 (2004) and Part 2 Local Plan Policy 17 (2018).
- 4.2 Although a breach of planning control does exist in respect of the rear windows, French doors, roof alterations and the alterations to the mock-Tudor cladding, as it is likely that the alterations would be acceptable, it is considered it would not be expedient to take any further action.

#### **Recommendation**

**The Committee is asked to RESOLVE that it is expedient for enforcement action to be taken against the unauthorised balcony and the first floor windows in the east side elevation and west side elevation to remedy the breach of planning.**



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**Legend**


- Road Names
-  Enforcement Site



Image 1: Rear ground floor French doors



Image 2: Approved Rear Plan



Image 3: First floor extension.  
(Tudor Cladding, roof alterations, first floor window & the side extension window)



Image 4: Side Elevation Plan



Image 5: Side Elevation  
(Side elevation window and roof window)

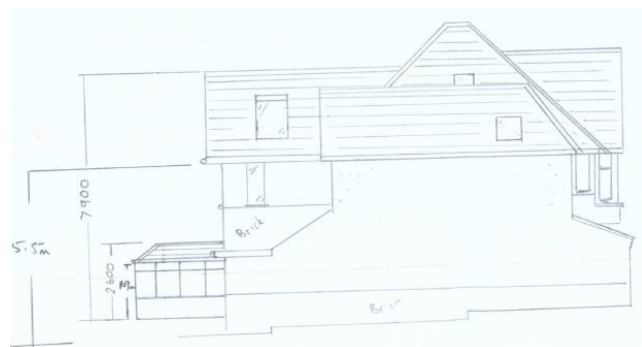


Image 6: Side Elevation Plan



Image 7: Front extension  
(extension on left hand side)



Image 8: Original Front elevation